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Hyseq Docket No. HYS-28

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Boyle, *et al.*
Serial No: 09/676,135
Filed: September 29, 2000
For: METHODS AND MATERIALS
RELATING TO
METALLOCARBOXYPEPTIDASE
-LIKE POLYPEPTIDES AND
POLYNUCLEOTIDES

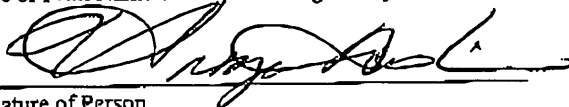
**CERTIFICATE OF FACSIMILE
UNDER 37 CFR 1.6(d)**

I hereby certify that this paper is being transmitted to the United States Patent and Trademark Office by facsimile and addressed to the Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

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RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Examiner Souaya:

RESTRICTION REQUIREMENT

In response to the February 12, 2002 Restriction Requirement in the above-identified application, Applicants elect with traverse Group II, claims 10-13 and 25 drawn to polypeptides and to kits comprising these polypeptides. In response to the sequence election requirement, Applicants elect with traverse SEQ ID. NO: 4. Applicants make this election without prejudice to pursuing non-elected subject matter in later applications.

Pursuant to 37 CFR 1.141, upon the allowance of the product claims, Applicants respectively reserve the right of rejoinder of Group VI, claim 24, and Group VIII, claim 29 drawn to a method of making and a method of using the polypeptide.

PRELIMINARY AMENDMENT

Prior to substantive examination, please amend the application as follows:

IN THE CLAIMS

Please cancel claims 1-9, 14-23, 26-28, and 30.

Kindly amend pending claims 10, 12, and 13 as follows:

- A1
10. An isolated polypeptide comprising an amino acid sequence of SEQ ID NO: 4, or the mature protein thereof.
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12. An isolated polypeptide, having metalcarboxypeptidase-like activity, comprising an amino acid sequence which is at least 98% identical to the amino acid sequence of SEQ ID NO: 4.
13. The polypeptide of claim 12, encoded by a polynucleotide selected from the group consisting of:
- A2
- (a) a polynucleotide sequence of SEQ ID NO: 4; and
 - (b) a polynucleotide, which hybridizes to the protein coding portion of the DNA molecule of (a) under stringent conditions, wherein said conditions are hybridization to filter-bound DNA in 0.5 M NaHPO₄, 7% sodium dodecyl sulfate (SDS), 1 mM EDTA at 65°C, and washing in 0.1X SSC/0.1% SDS at 68°C.

REMARKS

Upon entry of the foregoing amendments, claims 10-13 and 25 are under consideration.

Support for the amendment to claim 10 appears at least in the originally filed claim 10.

Support for the amendment to claim 12 appears at least at page 37, line 12 of the specification.

Support for the amendment to claim 13 appears at least at page 23, lines 1-3. Applicants respectfully submit that the pending claims are in a condition for allowance. The undersigned can be reached at 408-746-4536 if the Examiner wishes to discuss the response.

An early action on the merits is respectfully requested.

The response to the Restriction Requirement is due on or before April 12, 2002 with a one-month extension of time. A petition for a one-month extension of time is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 501169.

Respectfully submitted,

Date: April 9, 2002

By:



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